

ESTTA Tracking number: **ESTTA789932**

Filing date: **12/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Talking Rain Beverage Company, Inc.		
Entity	Corporation	Citizenship	Washington
Address	30520 SE 84th Street Preston, WA 98050 UNITED STATES		

Attorney information	Holly M. Simpkins Perkins Coie LLP 1201 Third Ave, Suite 4900 SEATTLE, WA 98101 UNITED STATES hsimpkins@perkinscoie.com, lgraybeal@perkinscoie.com, js-tarr@perkinscoie.com, pctrademarks@perkinscoie.com, Phone:206-359-8000
----------------------	--

Registration Subject to Cancellation

Registration No	2898321	Registration date	10/26/2004
Registrant	DTTM OPERATIONS LLC 725 FIFTH AVENUE NEW YORK, NY 10022 UNITED STATES		

Goods/Services Subject to Cancellation

Class 032. First Use: 2003/08/06 First Use In Commerce: 2003/08/06
All goods and services in the class are cancelled, namely: Bottled water

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
-------------	-----------------------------

Attachments	Petition for Cancellation Trump Ice.pdf(528398 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	s/Holly M. Simpkins/s
Name	Holly M. Simpkins
Date	12/16/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TALKING RAIN BEVERAGE COMPANY,
INC.,

Petitioner,

v.

DTTM OPERATIONS, LLC,

Registrant.

Cancellation No.: _____

PETITION FOR CANCELLATION

Mark: TRUMP ICE

Registration No.: 2,898,321

Talking Rain Beverage Company, Inc. (“Petitioner”) believes that it will be damaged by the continued registration by DTTM Operations, LLC (“Registrant”) of Registration No. 2,898,321 (the “Registration”) for the mark TRUMP ICE (“Registrant’s Mark”) in International Class 32 covering “[b]ottled water” (“Registrant’s Goods”).

Petitioner hereby petitions to cancel the Registration, and as grounds for its petition, Petitioner alleges as follows:

PARTIES

1. Petitioner is a Washington corporation, having a place of business in Preston, Washington.
2. On information and belief, Registrant is a Delaware limited liability company having a place of business in New York, New York.


REGISTRANT’S MARK

3. Registrant filed Application No. 78270921 on July 7, 2003.
4. Application No. 78270921 matured to registration on October 26, 2004.
5. The Registration claims first use of the Registered Mark with the Registrant’s Goods on August 6, 2003.

PETITIONER'S MARKS

6. Petitioner is engaged in the manufacture, sale, and distribution of non-alcoholic flavored water beverages, including, but not limited to, the goods listed in the table in Paragraph 7 ("Petitioner's Goods").

7. Petitioner owns registrations for numerous trademarks it uses in association with Petitioner's Goods. Registrations for a subset of these marks are listed in the table below ("Petitioner's Marks"):

<u>Reg. No.</u>	<u>Mark</u>	<u>Goods</u>
4392374	 The logo for "SPARKLING ICE Lemonade" features the word "SPARKLING" in a small, bold, sans-serif font above the word "ICE" in a large, bold, serif font. Below "ICE", the word "Lemonade" is written in a cursive script font.	Class 32: Soft drinks
1944414	SPARKLING ICE	Class 32: Non-alcoholic soft drinks
4880558	SPARKLING ICE	Class 30: Tea; tea-based beverages Class 32: Soft drinks; soft drinks flavored with tea; fruit flavored soft drinks; fruit flavored carbonated drinks; non-alcoholic beverages, namely, carbonated beverages; non-alcoholic beverages flavored with tea; carbonated flavored waters; flavored bottled water; flavored water; water beverages; non-alcoholic fruit juice beverages; lemonade; non-alcoholic beverages flavored with lemonade
4507255	ICE	Class 32: Fruit flavoured carbonated drinks; non-alcoholic beverages, namely, carbonated beverages
2040885	ICE	Class 32: Carbonated and noncarbonated flavored and unflavored water

8. Attached hereto as Exhibits A-E are copies of the U.S. Patent & Trademark Office Trademark Status & Document Retrieval records showing current status of the marks listed in the table in Paragraph 7.

ABANDONMENT CLAIM

9. Petitioner realleges and incorporates by reference each and every preceding allegation in this Petition for Cancellation.

10. On information and belief, Registrant ceased using Registrant's Mark in commerce with Registrant's Goods.

11. On information and belief, Registrant does not have an intent to resume use of Registrant's Mark, in commerce, in connection with Registrant's Goods.

12. The continued registration of Registrant's Mark would prevent Petitioner from exercising exclusive control over the goodwill and reputation associated with Petitioner's Marks. Therefore, the continued registration of Registrant's Mark would injure and cause damage to Petitioner.

13. Because Registrant's Mark has been abandoned, Registrant's Registration should be cancelled.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests cancellation of the Registration.

FEEES

The \$300.00 fee for this Petition for Cancellation has been electronically submitted with this filing.

DATED: December 16, 2016

CERTIFICATE OF SERVICE

I hereby certify that this Petition For Cancellation is being deposited with the United States Postal Service with sufficient postage as first class mail on December , 2016, in an envelope addressed to DTTM Operations, LLC, 725 Fifth Avenue, New York, NY 10022.

Signature: June Starr

Print Name: June Starr

PERKINS COIE LLP

By s/Holly M. Simpkins

Lynne E. Graybeal

Holly M. Simpkins

Winfield B. Martin

Perkins Coie LLP

1201 Third Avenue, Suite 4900

Seattle, Washington 98101-3099

(206) 359-8000

Attorneys for Talking Rain
Beverage Company, Inc.

EXHIBIT A

Generated on: This page was generated by TSDR on 2016-12-07 14:16:08 EST

Mark: SPARKLING ICE LEMONADE



US Serial Number: 85886910

Application Filing Date: Mar. 26, 2013

US Registration Number: 4392374

Registration Date: Aug. 27, 2013

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 27, 2013

Publication Date: Jun. 11, 2013

Mark Information

Mark Literal Elements: SPARKLING ICE LEMONADE

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the words "SPARKLING ICE LEMONADE" in stylized fonts with "SPARKLING" over "ICE", and "ICE" over "LEMONADE".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "SPARKLING" AND "LEMONADE"

Related Properties Information

Claimed Ownership of US Registrations: 1944414, 2040885

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Soft drinks

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 2013

Use in Commerce: Jan. 2013

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Talking Rain Beverage Company, Inc.

Owner Address: 30520 SE 84th Street
Preston, WASHINGTON 98050
UNITED STATES

Legal Entity Type: CORPORATION

State or Country WASHINGTON
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lynne E. Graybeal

Docket Number: 113405-4000

Attorney Primary pctrademarks@perkinscoie.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Lynne E. Graybeal
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WASHINGTON 98101
UNITED STATES

Phone: 206.359.8000

Fax: 206.359.9000

Correspondent e-mail: pctrademarks@perkinscoie.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 20, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 20, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 07, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 27, 2013	REGISTERED-PRINCIPAL REGISTER	
Jun. 11, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 11, 2013	PUBLISHED FOR OPPOSITION	
May 22, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 07, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
May 03, 2013	ASSIGNED TO LIE	67287
Apr. 23, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 23, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 23, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Apr. 23, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 23, 2013	EXAMINERS AMENDMENT -WRITTEN	76843
Apr. 18, 2013	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Apr. 18, 2013	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Apr. 18, 2013	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION AUTOMATIC ENTRY	76843
Apr. 18, 2013	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	76843
Apr. 18, 2013	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Apr. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 17, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 17, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328

Apr. 17, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 17, 2013	EXAMINERS AMENDMENT -WRITTEN	76843
Apr. 16, 2013	ASSIGNED TO EXAMINER	76843
Mar. 29, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 29, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 27, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Talking Rain Beverage Company, Inc.

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [5816/0695](#)

Pages: 10

Date Recorded: Jun. 16, 2016

Supporting Documents: [assignment-tm-5816-0695.pdf](#)

Assignor

Name: [TALKING RAIN BEVERAGE COMPANY, INC.](#)

Execution Date: May 27, 2016

Legal Entity Type: CORPORATION

State or Country Where Organized: WASHINGTON

Assignee

Name: [KEYBANK NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 1301 5TH AVENUE, 24TH FLOOR
SEATTLE, WASHINGTON 98101

Correspondent

Correspondent Name: LANE POWELL PC

Correspondent Address: 601 SW SECOND AVE., STE. 2100
PORTLAND, OR 97204

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91221320](#)

Filing Date: Apr 01, 2015

Status: Terminated

Status Date: Sep 25, 2015

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Smart & Final Stores LLC

Correspondent Address: DAVID A PLUMLEY
CHRISTIE PARKER & HALE LLP
PO BOX 29001
GLENDALE CA , 91209-9001
UNITED STATES

Correspondent e- pto@cph.com , david.plumley@cph.com

mail: _____

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPARKLING GLACIER	Abandoned - After Inter-Partes Decision	86193440	

Plaintiff(s)

Name: Talking Rain Beverage Company, Inc.

Correspondent AL VAN KAMPEN

Address: ROHDE & VAN KAMPEN PLLC
1001 FOURTH AVENUE, SUITE 4050
SEATTLE WA , 98154
UNITED STATES

Correspondent e-mail: avk@rvk-law.com , dcrowe@rvk-law.com , bfrost@rvk-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPARKLING ICE	Renewed	74288879	1944414
ICE	Renewed	74466096	2040885
ICE	Registered	85815140	4507255
SPARKLING ICE LEMONADE	Registered	85886910	4392374

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 01, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 01, 2015	May 11, 2015
3	PENDING, INSTITUTED	Apr 01, 2015	
4	ANSWER	May 11, 2015	
5	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 03, 2015	
6	SUSPENDED	Sep 03, 2015	
7	W/DRAW OF APPLICATION	Sep 17, 2015	
8	W/DRAW OF OPPOSITION	Sep 17, 2015	
9	BD DECISION: DISMISSED W/O PREJ	Sep 25, 2015	
10	TERMINATED	Sep 25, 2015	

EXHIBIT B

Generated on: This page was generated by TSDR on 2016-12-07 14:09:04 EST

Mark: SPARKLING ICE

US Serial Number: 74288879

Application Filing Date: Jun. 25, 1992

US Registration Number: 1944414

Registration Date: Dec. 26, 1995

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Feb. 18, 2016

Publication Date: Oct. 11, 1994

Notice of Allowance Date: Jan. 03, 1995

Mark Information

Mark Literal Elements: SPARKLING ICE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "SPARKLING"

Related Properties Information

International Registration Number: 1120595, 1263332

International Application(s) /Registration(s) Based on this Property: A0029728/1120595, A0051753/1263332

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: non-alcoholic soft drinks

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 04, 1992

Use in Commerce: Sep. 04, 1992

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Talking Rain Beverage Company, Inc.

Owner Address: 30520 SE 84th Street
Preston, WASHINGTON UNITED STATES 98050

Legal Entity Type: CORPORATION

State or Country WASHINGTON
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lynne E. Graybeal

Docket Number: 113405-4000.

Attorney Primary pctrademarks@perkinscoie.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Lynne E. Graybeal
Name/Address: Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WASHINGTON UNITED STATES 98101

Phone: 206.359.8000

Fax: 206.359.9000

Correspondent e-mail: pctrademarks@perkinscoie.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 18, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 18, 2016	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	85321
Feb. 18, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	85321
Feb. 18, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	85321
Dec. 04, 2015	TEAS SECTION 8 & 9 RECEIVED	
Jun. 20, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 20, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 07, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 08, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 08, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 13, 2012	SEC 7 REQUEST FILED	75184
Apr. 26, 2012	CERTIFICATE OF CORRECTION ISSUED	75184
Apr. 13, 2012	TEAS SECTION 7 REQUEST RECEIVED	
Mar. 21, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 11, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 06, 2011	NOTICE OF SUIT	

Nov. 10, 2010	ATTORNEY REVOKED AND/OR APPOINTED
Nov. 10, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED
Jul. 06, 2010	NOTICE OF SUIT
Mar. 02, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)
Mar. 02, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED
Feb. 07, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED
Feb. 07, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED
Feb. 07, 2005	TEAS SECTION 8 & 9 RECEIVED
Mar. 05, 2002	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.
Jan. 08, 2002	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED
Dec. 26, 1995	REGISTERED-PRINCIPAL REGISTER
Sep. 16, 1995	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED
Mar. 15, 1995	CORRESPONDENCE RECEIVED IN LAW OFFICE
Jul. 07, 1995	STATEMENT OF USE PROCESSING COMPLETE
Mar. 15, 1995	USE AMENDMENT FILED
Jan. 03, 1995	NOA MAILED - SOU REQUIRED FROM APPLICANT
Oct. 11, 1994	PUBLISHED FOR OPPOSITION
Sep. 09, 1994	NOTICE OF PUBLICATION
Jul. 28, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER
Jul. 18, 1994	EXAMINER'S AMENDMENT MAILED
Jul. 15, 1994	PREVIOUS ALLOWANCE COUNT WITHDRAWN
Jul. 08, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER
Apr. 14, 1993	LETTER OF SUSPENSION MAILED
Feb. 25, 1993	CORRESPONDENCE RECEIVED IN LAW OFFICE
Oct. 01, 1992	NON-FINAL ACTION MAILED
Sep. 08, 1992	ASSIGNED TO EXAMINER

69967

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 26, 2015

Change in Registration: Yes

Correction made to Registration: In the statement, column 1, line 1 Talking Rain Beverage Co. Inc. should be deleted and Talking Rain Beverage Company, Inc., should be inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 18, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Talking Rain Beverage Company, Inc.

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [4282/0237](#)

Pages: 18

Date Recorded: Sep. 21, 2010

Supporting Documents: [assignment-tm-4282-0237.pdf](#)

Assignor

Name: [TALKING RAIN BEVERAGE COMPANY, INC.](#)

Execution Date: Jul. 28, 2010

Legal Entity Type: CORPORATION

State or Country WASHINGTON
Where Organized:

Assignee

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION](#)

Legal Entity Type: BANK

State or Country UNITED STATES
Where Organized:

Address: 601 W 1ST AVENUE, SUITE 900
SPOKANE, WASHINGTON 99201

Correspondent

Correspondent Name: LISA M. DAVIS

Correspondent Address: 601 SW 2ND AVENUE, SUITE 2100
PORTLAND, OR 97204

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [4690/0191](#)

Pages: 17

Date Recorded: Jan. 03, 2012

Supporting Documents: [assignment-tm-4690-0191.pdf](#)

Assignor

Name: [TALKING RAIN BEVERAGE COMPANY, INC.](#)

Execution Date: Dec. 27, 2011

Legal Entity Type: CORPORATION

State or Country WASHINGTON
Where Organized:

Assignee

Name: [KEYBANK NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country OHIO
Where Organized:

Address: 127 PUBLIC SQUARE
ATTN: ASSET BASED LENDING
CLEVELAND, OHIO 44114

Correspondent

Correspondent Name: DAVID D. THOMAS, ESQ.

Correspondent Address: 127 PUBLIC SQUARE
3900 KEY CENTER
CLEVELAND, OH 44114

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE

Reel/Frame: [4735/0253](#)

Pages: 5

Date Recorded: Jan. 17, 2012

Supporting Documents: [assignment-tm-4735-0253.pdf](#)

Assignor

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION](#)

Execution Date: Jan. 13, 2012

Legal Entity Type: CORPORATION

State or Country WASHINGTON
Where Organized:

Assignee

Name: [TALKING RAIN BEVERAGE COMPANY, INC.](#)

Legal Entity Type: CORPORATION

State or Country WASHINGTON
Where Organized:

Address: PO BOX 549
PRESTON, WASHINGTON 98050-0549

Correspondent

Correspondent: WELLS FARGO BANK NA.

Name:

Correspondent ATTN: NAN SIRL
Address: 1740 BROADWAY
MAC C7300-033
DENVER, COLORADO 80774

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [5816/0695](#)

Pages: 10

Date Recorded: Jun. 16, 2016

Supporting Documents: [assignment-tm-5816-0695.pdf](#)

Assignor

Name: [TALKING RAIN BEVERAGE COMPANY, INC.](#)

Execution Date: May 27, 2016

Legal Entity Type: CORPORATION

State or Country Where Organized: WASHINGTON

Assignee

Name: [KEYBANK NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 1301 5TH AVENUE, 24TH FLOOR
SEATTLE, WASHINGTON 98101

Correspondent

Correspondent Name: LANE POWELL PC

Correspondent Address: 601 SW SECOND AVE., STE. 2100
PORTLAND, OR 97204

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91221320](#)

Filing Date: Apr 01, 2015

Status: Terminated

Status Date: Sep 25, 2015

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Smart & Final Stores LLC

Correspondent Address: DAVID A PLUMLEY
CHRISTIE PARKER & HALE LLP
PO BOX 29001
GLENDALE CA UNITED STATES , 91209-9001

Correspondent e-mail: pto@cph.com , david.plumley@cph.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPARKLING GLACIER	Abandoned - After Inter-Partes Decision	86193440	

Plaintiff(s)

Name: Talking Rain Beverage Company, Inc.

Correspondent Address: AL VAN KAMPEN
ROHDE & VAN KAMPEN PLLC
1001 FOURTH AVENUE, SUITE 4050
SEATTLE WA UNITED STATES , 98154

Correspondent e-mail: avk@rvk-law.com , dcrowe@rvk-law.com , bfrost@rvk-law.com

mail: _____

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SPARKLING ICE	Renewed	74288879	1944414
ICE	Renewed	74466096	2040885
ICE	Registered	85815140	4507255
SPARKLING ICE LEMONADE	Registered	85886910	4392374

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 01, 2015	May 11, 2015
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 01, 2015	
3	PENDING, INSTITUTED	Apr 01, 2015	
4	ANSWER	May 11, 2015	
5	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 03, 2015	
6	SUSPENDED	Sep 03, 2015	
7	W/DRAW OF APPLICATION	Sep 17, 2015	
8	W/DRAW OF OPPOSITION	Sep 17, 2015	
9	BD DECISION: DISMISSED W/O PREJ	Sep 25, 2015	
10	TERMINATED	Sep 25, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91220774](#)

Filing Date: Feb 24, 2015

Status: Terminated

Status Date: Jun 03, 2015

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Southern Beverage Packers, Inc.

Correspondent Address: HOWARD N ARONSON
LACKENBACH SIEGEL LLP
1 CHASE RD
SCARSDALE NY UNITED STATES , 10583-4156

Correspondent e-mail: tmefs@LSLLP.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SPRINGTIME ICE	Abandoned - After Inter-Partes Decision	86308099	

Plaintiff(s)

Name: Talking Rain Beverage Company, Inc.

Correspondent Address: LYNNE E GRAYBEAL
PERKINS COIE LLP
1201 THIRD AVENUE, SUITE 4900
SEATTLE WA UNITED STATES , 98101-3099

Correspondent e-mail: pctrademarks@perkinscoie.com , wmartin@perkinscoie.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SPARKLING ICE	Renewed	74288879	1944414
ICE	Renewed	74466096	2040885
ICE	Registered	85815140	4507255

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 24, 2015	Apr 05, 2015
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 24, 2015	
3	PENDING, INSTITUTED	Feb 24, 2015	

4	NOTICE OF DEFAULT	Apr 20, 2015
5	BD DECISION: SUSTAINED	Jun 03, 2015
6	TERMINATED	Jun 03, 2015

Type of Proceeding: Opposition

Proceeding Number: [91217942](#)

Filing Date: Aug 20, 2014

Status: Pending

Status Date: Aug 20, 2014

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Polar Corp.

Correspondent CHRISTINE K BUSH

Address: HINCKLEY ALLEN & SNYDER LLP
28 STATE STREET
BOSTON MA UNITED STATES , 02109-1775

Correspondent e-mail: tmocket@hinckleyallen.com , cbush@hinckleyallen.com , cscott@hinckleyallen.com,

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPARKLING FROST	Opposition Pending	86111882	

Plaintiff(s)

Name: Talking Rain Beverage Company, Inc.

Correspondent WINFIELD B MARTIN

Address: PERKINS COIE LLP
1201 THIRD AVE, SUITE 4900
SEATTLE WA UNITED STATES , 98101

Correspondent e-mail: wmartin@perkinscoie.com , pctrademarks@perkinscoie.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPARKLING ICE	Renewed	74288879	1944414

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 20, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 20, 2014	Sep 29, 2014
3	PENDING, INSTITUTED	Aug 20, 2014	
4	ANSWER	Sep 29, 2014	
5	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 07, 2014	
6	SUSPENDED	Nov 07, 2014	
7	TRIAL DATES RESET	Mar 02, 2015	
8	D MOT FOR EXT W/ CONSENT	Jun 22, 2015	
9	EXTENSION OF TIME GRANTED	Jul 01, 2015	
10	D MOT FOR EXT W/ CONSENT	Jul 23, 2015	
11	EXTENSION OF TIME GRANTED	Jul 23, 2015	
12	P MOT FOR EXT W/ CONSENT	Aug 12, 2015	
13	EXTENSION OF TIME GRANTED	Aug 13, 2015	
14	P MOT FOR EXT W/ CONSENT	Sep 28, 2015	
15	EXTENSION OF TIME GRANTED	Sep 28, 2015	
16	P MOT FOR EXT W/ CONSENT	Nov 05, 2015	
17	EXTENSION OF TIME GRANTED	Nov 05, 2015	
18	P MOT FOR EXT W/ CONSENT	Jan 20, 2016	
19	EXTENSION OF TIME GRANTED	Jan 20, 2016	
20	D NOTICE OF RELIANCE	Jun 06, 2016	
21	Confidential Defendant's Notice of Reliance	Jun 06, 2016	
22	CHANGE OF CORRESP ADDRESS	Jun 09, 2016	

23	P TESTIMONY	Jun 15, 2016
24	Confidential Testimony For Plaintiff	Jun 15, 2016
25	P MOT FOR EXT W/ CONSENT	Jun 30, 2016
26	EXTENSION OF TIME GRANTED	Jun 30, 2016
27	P MOT FOR EXT W/ CONSENT	Aug 17, 2016
28	EXTENSION OF TIME GRANTED	Aug 17, 2016
29	P MOT FOR EXT W/ CONSENT	Sep 07, 2016
30	EXTENSION OF TIME GRANTED	Oct 03, 2016
31	D APPEARANCE / POWER OF ATTORNEY	Oct 04, 2016
32	CHANGE OF CORRESP ADDRESS	Oct 04, 2016
33	P MOT FOR EXT W/ CONSENT	Oct 10, 2016
34	EXTENSION OF TIME GRANTED	Nov 01, 2016
35	P MOT FOR EXT W/ CONSENT	Nov 11, 2016
36	EXTENSION OF TIME GRANTED	Nov 18, 2016

EXHIBIT C

Generated on: This page was generated by TSDR on 2016-12-07 14:10:06 EST

Mark: SPARKLING ICE

SPARKLING ICE

US Serial Number: 86638500

Application Filing Date: May 21, 2015

US Registration Number: 4880558

Registration Date: Jan. 05, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jan. 05, 2016

Publication Date: Oct. 20, 2015

Mark Information

Mark Literal Elements: SPARKLING ICE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "SPARKLING"

Related Properties Information

International Registration Number: 1263332

International Application(s) /Registration(s) Based on this Property: A0051753/1263332

Claimed Ownership of US Registrations: 1944414

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Tea; tea-based beverages

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 01, 2014

Use in Commerce: Aug. 01, 2014

For: Soft drinks; soft drinks flavored with tea; fruit flavored soft drinks; fruit flavored carbonated drinks; non-alcoholic beverages, namely, carbonated beverages; non-alcoholic beverages flavored with tea; carbonated flavored waters; flavored bottled water; flavored water; water beverages; non-alcoholic fruit juice beverages; lemonade; non-alcoholic beverages flavored with lemonade

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 04, 1992

Use in Commerce: Sep. 04, 1992

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Talking Rain Beverage Company, Inc.

Owner Address: 30520 SE 84th Street
Preston, WASHINGTON UNITED STATES 98050

Legal Entity Type: CORPORATION

State or Country Where Organized: WASHINGTON

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lynne E. Graybeal

Docket Number: 113405-4000.

Attorney Primary Email Address: pctrademarks@perkinscoie.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: LYNNE E. GRAYBEAL
PERKINS COIE, LLP
1201 3RD AVE STE 4900
SEATTLE, WASHINGTON UNITED STATES 98101-3099

Phone: 206.359.8000

Fax: 206.359.9000

Correspondent e-mail: pctrademarks@perkinscoie.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 05, 2016	REGISTERED-PRINCIPAL REGISTER	
Oct. 20, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 20, 2015	PUBLISHED FOR OPPOSITION	
Sep. 30, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 11, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Sep. 04, 2015	ASSIGNED TO LIE	68123
Aug. 27, 2015	ASSIGNED TO LIE	77976
Aug. 10, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 07, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 07, 2015	NON-FINAL ACTION E-MAILED	6325
Jul. 07, 2015	NON-FINAL ACTION WRITTEN	76419
Jul. 01, 2015	ASSIGNED TO EXAMINER	76419

May 29, 2015 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
May 25, 2015 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Talking Rain Beverage Company, Inc.

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [5816/0695](#)

Pages: 10

Date Recorded: Jun. 16, 2016

Supporting Documents: [assignment-tm-5816-0695.pdf](#)

Assignor

Name: [TALKING RAIN BEVERAGE COMPANY, INC.](#)

Execution Date: May 27, 2016

Legal Entity Type: CORPORATION

State or Country Where Organized: WASHINGTON

Assignee

Name: [KEYBANK NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 1301 5TH AVENUE, 24TH FLOOR
SEATTLE, WASHINGTON 98101

Correspondent

Correspondent Name: LANE POWELL PC

Correspondent Address: 601 SW SECOND AVE., STE. 2100
PORTLAND, OR 97204

Domestic Representative - Not Found

EXHIBIT D

Generated on: This page was generated by TSDR on 2016-12-07 14:17:05 EST

Mark: ICE

ICE

US Serial Number: 85815140

Application Filing Date: Jan. 03, 2013

US Registration Number: 4507255

Registration Date: Apr. 01, 2014

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 01, 2014

Publication Date: Jun. 04, 2013

Notice of Allowance Date: Jul. 30, 2013

Mark Information

Mark Literal Elements: ICE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1944414, 2040885

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Fruit flavoured carbonated drinks; non-alcoholic beverages, namely, carbonated beverages

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 04, 1992

Use in Commerce: Sep. 04, 1992

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Talking Rain Beverage Company, Inc.

Owner Address: 30520 SE 84th Street
Preston, WASHINGTON 98050
UNITED STATES

Legal Entity Type: CORPORATION

State or Country WASHINGTON
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lynne E. Graybeal

Docket Number: 113405-4000

Attorney Primary pctrademarks@perkinscoie.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Lynne E. Graybeal
Name/Address: Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WASHINGTON 98101
UNITED STATES

Phone: 206.359.8000

Fax: 206.359.9000

Correspondent e-mail: pctrademarks@perkinscoie.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 20, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 20, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 01, 2014	REGISTERED-PRINCIPAL REGISTER	
Feb. 28, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 28, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 27, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Feb. 27, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 27, 2014	STATEMENT OF USE PROCESSING COMPLETE	66530
Jan. 30, 2014	USE AMENDMENT FILED	66530
Feb. 27, 2014	EXTENSION 1 GRANTED	66530
Jan. 30, 2014	EXTENSION 1 FILED	66530
Feb. 24, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jan. 30, 2014	TEAS EXTENSION RECEIVED	
Jan. 30, 2014	TEAS STATEMENT OF USE RECEIVED	
Jan. 30, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 30, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 30, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 04, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 04, 2013	PUBLISHED FOR OPPOSITION	
May 15, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 30, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Apr. 29, 2013	ASSIGNED TO LIE	68123
Apr. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 17, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 17, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Apr. 17, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 17, 2013	EXAMINERS AMENDMENT -WRITTEN	76843
Apr. 16, 2013	ASSIGNED TO EXAMINER	76843

Jan. 14, 2013 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM

Jan. 07, 2013 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 27, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Talking Rain Beverage Company, Inc.

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [5816/0695](#)

Pages: 10

Date Recorded: Jun. 16, 2016

Supporting Documents: [assignment-tm-5816-0695.pdf](#)

Assignor

Name: [TALKING RAIN BEVERAGE COMPANY, INC.](#)

Execution Date: May 27, 2016

Legal Entity Type: CORPORATION

State or Country Where Organized: WASHINGTON

Assignee

Name: [KEYBANK NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 1301 5TH AVENUE, 24TH FLOOR
SEATTLE, WASHINGTON 98101

Correspondent

Correspondent Name: LANE POWELL PC

Correspondent Address: 601 SW SECOND AVE., STE. 2100
PORTLAND, OR 97204

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91221320](#)

Filing Date: Apr 01, 2015

Status: Terminated

Status Date: Sep 25, 2015

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Smart & Final Stores LLC

Correspondent Address: DAVID A PLUMLEY
CHRISTIE PARKER & HALE LLP
PO BOX 29001
GLENDALE CA , 91209-9001
UNITED STATES

Correspondent e-mail: pto@cph.com , david.plumley@cph.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

SPARKLING GLACIER		Abandoned - After Inter-Partes Decision		86193440
Plaintiff(s)				
Name: Talking Rain Beverage Company, Inc.				
Correspondent Address:	AL VAN KAMPEN ROHDE & VAN KAMPEN PLLC 1001 FOURTH AVENUE, SUITE 4050 SEATTLE WA , 98154 UNITED STATES			
Correspondent e-mail:	avk@rvk-law.com , dcrowe@rvk-law.com , bfrost@rvk-law.com			
Associated marks				
Mark	Application Status	Serial Number	Registration Number	
SPARKLING ICE	Renewed	74288879	1944414	
ICE	Renewed	74466096	2040885	
ICE	Registered	85815140	4507255	
SPARKLING ICE LEMONADE	Registered	85886910	4392374	
Prosecution History				
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Apr 01, 2015		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 01, 2015	May 11, 2015	
3	PENDING, INSTITUTED	Apr 01, 2015		
4	ANSWER	May 11, 2015		
5	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 03, 2015		
6	SUSPENDED	Sep 03, 2015		
7	W/DRAW OF APPLICATION	Sep 17, 2015		
8	W/DRAW OF OPPOSITION	Sep 17, 2015		
9	BD DECISION: DISMISSED W/O PREJ	Sep 25, 2015		
10	TERMINATED	Sep 25, 2015		
Type of Proceeding: Opposition				
Proceeding Number:	91220774	Filing Date: Feb 24, 2015		
Status:	Terminated	Status Date: Jun 03, 2015		
Interlocutory Attorney:	ELIZABETH WINTER			
Defendant				
Name: Southern Beverage Packers, Inc.				
Correspondent Address:	HOWARD N ARONSON LACKENBACH SIEGEL LLP 1 CHASE RD SCARSDALE NY , 10583-4156 UNITED STATES			
Correspondent e-mail:	tmefs@LSLLP.com			
Associated marks				
Mark	Application Status	Serial Number	Registration Number	
SPRINGTIME ICE	Abandoned - After Inter-Partes Decision	86308099		
Plaintiff(s)				
Name: Talking Rain Beverage Company, Inc.				
Correspondent Address:	LYNNE E GRAYBEAL PERKINS COIE LLP 1201 THIRD AVENUE, SUITE 4900 SEATTLE WA , 98101-3099 UNITED STATES			
Correspondent e-mail:	pctrademarks@perkinscoie.com , wmartin@perkinscoie.com			
Associated marks				

Mark	Application Status	Serial Number	Registration Number
SPARKLING ICE	Renewed	74288879	1944414
ICE	Renewed	74466096	2040885
ICE	Registered	85815140	4507255

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 24, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 24, 2015	Apr 05, 2015
3	PENDING, INSTITUTED	Feb 24, 2015	
4	NOTICE OF DEFAULT	Apr 20, 2015	
5	BD DECISION: SUSTAINED	Jun 03, 2015	
6	TERMINATED	Jun 03, 2015	

EXHIBIT E

Generated on: This page was generated by TSDR on 2016-12-07 14:14:13 EST

Mark: ICE

US Serial Number: 74466096

Application Filing Date: Dec. 03, 1993

US Registration Number: 2040885

Registration Date: Feb. 25, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 30, 2006

Publication Date: Sep. 05, 1995

Notice of Allowance Date: Jun. 18, 1996

Mark Information

Mark Literal Elements: ICE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: carbonated and noncarbonated flavored and unflavored water

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 1993

Use in Commerce: Dec. 1993

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Talking Rain Beverage Company, Inc.

Owner Address: 30520 SE 84th Street
Preston, WASHINGTON 98050
UNITED STATES

Legal Entity Type: CORPORATION

State or Country WASHINGTON
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lynne E. Graybeal

Docket Number: 113405-4000

Attorney Primary pctrademarks@perkinscoie.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Lynne E. Graybeal
Name/Address: Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WASHINGTON 98101
UNITED STATES

Phone: 206.359.8000

Fax: 206.359.9000

Correspondent e-mail: pctrademarks@perkinscoie.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 25, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Dec. 26, 2015	CERTIFICATE OF CORRECTION ISSUED	70132
Dec. 26, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70132
Dec. 08, 2015	TEAS SECTION 7 REQUEST RECEIVED	
Jun. 20, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 20, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 16, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 16, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 07, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 08, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 08, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 21, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 11, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 06, 2011	NOTICE OF SUIT	
Nov. 10, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 10, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 06, 2010	NOTICE OF SUIT	
Dec. 22, 2006	CASE FILE IN TICRS	
May 30, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	61619
May 30, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 16, 2006	ASSIGNED TO PARALEGAL	61619
Feb. 28, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Feb. 28, 2006	TEAS SECTION 8 & 9 RECEIVED	
May 20, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Feb. 24, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Feb. 24, 2003	PAPER RECEIVED	
Feb. 25, 1997	REGISTERED-PRINCIPAL REGISTER	
Oct. 07, 1996	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 07, 1996	ASSIGNED TO EXAMINER	71996
Oct. 05, 1996	ASSIGNED TO EXAMINER	71996

Sep. 29, 1996	STATEMENT OF USE PROCESSING COMPLETE
Aug. 02, 1996	USE AMENDMENT FILED
Jun. 18, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT
Sep. 25, 1995	EXTENSION OF TIME TO OPPOSE RECEIVED
Sep. 05, 1995	PUBLISHED FOR OPPOSITION
Aug. 04, 1995	NOTICE OF PUBLICATION
Feb. 27, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER
Feb. 16, 1995	EXAMINER'S AMENDMENT MAILED
Nov. 21, 1994	CORRESPONDENCE RECEIVED IN LAW OFFICE
May 20, 1994	NON-FINAL ACTION MAILED
May 05, 1994	ASSIGNED TO EXAMINER

69967

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Feb. 25, 2007

Correction made to Registration: In the statement, Column 1, line 1, " Talking Rain Beverage Co. Inc." should be deleted, and Talking Rain Beverage Company, Inc. should be inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Dec. 26, 2015

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Talking Rain Beverage Company, Inc.

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [4282/0237](#)

Pages: 18

Date Recorded: Sep. 21, 2010

Supporting Documents: [assignment-tm-4282-0237.pdf](#)

Assignor

Name: [TALKING RAIN BEVERAGE COMPANY, INC.](#)

Execution Date: Jul. 28, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: WASHINGTON

Assignee

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION](#)

Legal Entity Type: BANK

State or Country Where Organized: UNITED STATES

Address: 601 W 1ST AVENUE, SUITE 900
SPOKANE, WASHINGTON 99201

Correspondent

Correspondent Name: LISA M. DAVIS

Correspondent Address: 601 SW 2ND AVENUE, SUITE 2100
PORTLAND, OR 97204

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [4690/0191](#)

Pages: 17

Date Recorded: Jan. 03, 2012

Supporting Documents: [assignment-tm-4690-0191.pdf](#)

Assignor

Name: [TALKING RAIN BEVERAGE COMPANY, INC.](#) Execution Date: Dec. 27, 2011
Legal Entity Type: CORPORATION State or Country Where Organized: WASHINGTON

Assignee

Name: [KEYBANK NATIONAL ASSOCIATION](#)
Legal Entity Type: NATIONAL BANKING ASSOCIATION State or Country Where Organized: OHIO
Address: 127 PUBLIC SQUARE
ATTN: ASSET BASED LENDING
CLEVELAND, OHIO 44114

Correspondent

Correspondent Name: DAVID D. THOMAS, ESQ.
Correspondent Address: 127 PUBLIC SQUARE
3900 KEY CENTER
CLEVELAND, OH 44114

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE
Reel/Frame: [4735/0253](#) Pages: 5
Date Recorded: Jan. 17, 2012
Supporting Documents: [assignment-tm-4735-0253.pdf](#)

Assignor

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION](#) Execution Date: Jan. 13, 2012
Legal Entity Type: CORPORATION State or Country Where Organized: WASHINGTON

Assignee

Name: [TALKING RAIN BEVERAGE COMPANY, INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: WASHINGTON
Address: PO BOX 549
PRESTON, WASHINGTON 98050-0549

Correspondent

Correspondent Name: WELLS FARGO BANK NA.
Correspondent Address: ATTN: NAN SIRL
1740 BROADWAY
MAC C7300-033
DENVER, COLORADO 80774

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: SECURITY INTEREST
Reel/Frame: [5816/0695](#) Pages: 10
Date Recorded: Jun. 16, 2016
Supporting Documents: [assignment-tm-5816-0695.pdf](#)

Assignor

Name: [TALKING RAIN BEVERAGE COMPANY, INC.](#) Execution Date: May 27, 2016
Legal Entity Type: CORPORATION State or Country Where Organized: WASHINGTON

Assignee

Name: [KEYBANK NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 1301 5TH AVENUE, 24TH FLOOR
SEATTLE, WASHINGTON 98101

Correspondent

Correspondent Name: LANE POWELL PC

Correspondent Address: 601 SW SECOND AVE., STE. 2100
PORTLAND, OR 97204

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91221320](#)

Filing Date: Apr 01, 2015

Status: Terminated

Status Date: Sep 25, 2015

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Smart & Final Stores LLC

Correspondent Address: DAVID A PLUMLEY
CHRISTIE PARKER & HALE LLP
PO BOX 29001
GLENDALE CA , 91209-9001
UNITED STATES

Correspondent e-mail: pto@cph.com , david.plumley@cph.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPARKLING GLACIER	Abandoned - After Inter-Partes Decision	86193440	

Plaintiff(s)

Name: Talking Rain Beverage Company, Inc.

Correspondent Address: AL VAN KAMPEN
ROHDE & VAN KAMPEN PLLC
1001 FOURTH AVENUE, SUITE 4050
SEATTLE WA , 98154
UNITED STATES

Correspondent e-mail: avk@rvk-law.com , dcrowe@rvk-law.com , bfrost@rvk-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPARKLING ICE	Renewed	74288879	1944414
ICE	Renewed	74466096	2040885
ICE	Registered	85815140	4507255
SPARKLING ICE LEMONADE	Registered	85886910	4392374

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 01, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 01, 2015	May 11, 2015
3	PENDING, INSTITUTED	Apr 01, 2015	
4	ANSWER	May 11, 2015	
5	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 03, 2015	

6	SUSPENDED	Sep 03, 2015
7	W/DRAW OF APPLICATION	Sep 17, 2015
8	W/DRAW OF OPPOSITION	Sep 17, 2015
9	BD DECISION: DISMISSED W/O PREJ	Sep 25, 2015
10	TERMINATED	Sep 25, 2015

Type of Proceeding: Opposition

Proceeding Number: [91220774](#)

Filing Date: Feb 24, 2015

Status: Terminated

Status Date: Jun 03, 2015

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Southern Beverage Packers, Inc.

Correspondent Address: HOWARD N ARONSON
LACKENBACH SIEGEL LLP
1 CHASE RD
SCARSDALE NY , 10583-4156
UNITED STATES

Correspondent e-mail: tmefs@LSLLP.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPRINGTIME ICE	Abandoned - After Inter-Partes Decision	86308099	

Plaintiff(s)

Name: Talking Rain Beverage Company, Inc.

Correspondent Address: LYNNE E GRAYBEAL
PERKINS COIE LLP
1201 THIRD AVENUE, SUITE 4900
SEATTLE WA , 98101-3099
UNITED STATES

Correspondent e-mail: pcetrademarks@perkinscoie.com , wmartin@perkinscoie.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPARKLING ICE	Renewed	74288879	1944414
ICE	Renewed	74466096	2040885
ICE	Registered	85815140	4507255

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 24, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 24, 2015	Apr 05, 2015
3	PENDING, INSTITUTED	Feb 24, 2015	
4	NOTICE OF DEFAULT	Apr 20, 2015	
5	BD DECISION: SUSTAINED	Jun 03, 2015	
6	TERMINATED	Jun 03, 2015	